

REMARKS

In response to the Official Action mailed June 30, 2006, Applicants submit the following remarks. Applicants have amended the first sentence of the present application to thereby correctly claim priority to previous applications. No new matter has been entered as a result of this amendment.

In the present Official Action, claims 12-16, and 18 are rejected on the grounds of non-statutory obviousness-type double patenting as being unpatentable over claims 10-14, and 16 of U.S. Patent No. 7,022,139 to *Errico* in view of U.S. Patent No. 4,759,769 to *Hedman, et al.* In response to this rejection, Applicants hereby submit a terminal disclaimer to thereby remove the *Errico* reference from the venue of prior art.

Thus, since claims 1-11, 19 and 20 have already been deemed allowed and claim 17, although objected to, has been deemed to contain patentable subject matter, all the claims of the present application are now in condition for allowance.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone Applicants' attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

Application No.: 10/642,528

Docket No.: SPINE 3.0-437 CIPCIPCIPCIP

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: July 19, 2006

Respectfully submitted,

By 

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